IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH JAIPUR
S.B. Civil Writ Petition No.3196/06
Dori Vs. State of Raj. & Ors.

12.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri S.P. Poshwal for petitioner.
Shri S.N. Gupta, Dy. GA for respondents.

The petitioner is a convict who is serving his sentence in Central Jail, Sewar, Distt. Bharatpur. He has filed this writ petition with the prayer that the respondents be directed to release him on first regular parole of 20 days.

Claim of the petitioner is contested by the respondents and it is submitted that when the application of the petitioner for release on first parole was placed before the District Parole Advisory Committee on 20.1.06, it considered the matter on the basis of the report from various functionaries. It was found that the petitioner had remained absent from Jail Udhyogshala and therefore

disobeyed the order of learned trial court. The S.P., Bharatpur had also recommended for not granting him parole because if he is released, there was possibility of his absconding and not surrendering. Learned counsel for the petitioner relied on division bench of this Court in Madan Singh Vs. Inspector General Prisons, Jaipur & Anr., D.B. Civil Writ Petition No.3274/03 decided on 9.9.03, Sripat Vs. State of Raj. & Ors, D.B. Civil Writ Petition (Parole) No.9608/06 decided on 5.2.07 and judgment passed by a learned single bench in Banwari Lal Vs. State & Ors., S.B. Civil Writ Petition No.5337/04 decided on 4.11.2004. It was argued on that basis that the report of the police cannot form basis for exercise of discretion by the District Advisory Committee or the District Magistrate.

I have respectfully gone through the aforesaid judgments. I find that this writ petition was filed way back on 18.4.2006 and has remained pending for one year thereafter. During the intervening period, the jail authorities have had the opportunity to watch the conduct of the petitioner. Besides, this one year which elapsed in

between has added further to the overall period of sentence served by the petitioner. This being the first parole, in the facts of the case, it would be appropriate that the matter receives a fresh consideration at the ends of the authorities themselves. I am fortified in taking this view from the aforesaid judgments cited by learned counsel for the petitioner. It is therefore directed that the respondents shall take up the matter of the petitioner afresh for grant of first parole and place the same before the District Advisory Committee and reconsider the same in the light of fresh material which may be obtained and pass appropriate order within six weeks.

The writ petition is accordingly disposed of.

(Mohammad Rafiq),J.

Rs/-